

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

IN THE MATTER OF THE SEARCH OF
KOCH FOODS OF MISSISSIPPI, LLC
108 MORRIS TULLOS DR.,
MORTON, MS 39117

Case No. 3:19mj205 LRA

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Anthony Todd Williams Jr., being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant to search the following premises and seize the items listed in Attachment B:

a. The business is located at 108 Morris Tullos Drive, Morton, Mississippi 39117, and its curtilage and outbuildings, appurtenances, and attached and detached garages and vehicles and trailers located on such curtilage, including any and all parking lots; more particularly described in Attachment A.

2. This affidavit sets forth facts establishing probable cause to believe that Koch Foods of Mississippi, LLC and others are willfully and unlawfully employing illegal aliens in violation of Federal Law and within the locations which are further described in Attachment A, currently exists those items, set forth in Attachment B, which constitutes evidence, instrumentalities, contraband and/or fruits of the violations.

3. I am a Special Agent with Homeland Security Investigations ("HSI"), within United States Immigration and Customs Enforcement ("ICE"). I am assigned to the Office of the Resident Agent in Charge, Jackson, Mississippi. I have been trained specifically in the

Certified True Copy
By: Arthur J. Williams
Courtroom Deputy Clerk

investigation and elements of federal crimes at the Federal Law Enforcement Training Center at Glynco, Georgia. I hold Bachelors of Art and Masters of Science degrees in Criminal Justice from the University of Southern Mississippi. I am also a graduate of the United States Border Patrol Academy at the Federal Law Enforcement Training Center in Artesia, New Mexico. I have approximately 10 years of experience as a federal law enforcement officer and criminal investigator.

4. My experience as a federal law enforcement officer and criminal investigator includes the investigation and prosecution of violations of criminal laws relating to unlawful entry, employment, and physical presence in the United States of individuals subject to the Immigration and Nationality Act. My current duties include conducting criminal investigations of violations of Federal Statutes and administrative violations of the Immigration and Nationality Act and Title 18 of the United States Code. As part of these duties, I have become involved in the investigation of suspected violations of Title 8, United States Code, Section 1324(a), Unlawful Employment of Aliens. Through formal and on the job training, I am experienced in crimes involving the unlawful employment of aliens. I have participated in the execution of numerous search warrants for documents and other evidence, including computers and electronic media.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. This affidavit is based on my knowledge arising from my participation in this investigation; upon information provided to me by other Homeland Security Investigations (HSI) agents, law enforcement officers and government officials jointly participating in this investigation. Because

this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a search warrant, it does not contain every fact known to me or other agents of HSI.

6. Section 274A of the Immigration and Reform Act of 1986 (IRCA) contains provisions which require all employers to verify the employment eligibility of all new employees hired after November 6, 1986. The Form I-9 (Employment Eligibility Verification), hereto referred to as Forms I-9, was developed for verifying that persons are eligible to work in the United States. Employers must ensure the Form I-9 is completed every time a person is hired to perform labor or services in return for wages or other remuneration. Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are unauthorized aliens is in violation of Title 8, United States Code, Section 1324(a)(3)(A).

7. Intentional hiring of unauthorized aliens is a violation of Title 8, United States Code, Section 1324a. A person or entity which engages in a pattern and practice of violations in this Section shall be fined no more than \$3000 for each unauthorized alien with whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.

8. A person who violates Title 8, United States Code, Section 1324, subparagraph (A), and in which the offense was done for the purpose of commercial advantage or private financial gain is in violation of Title 8, United States Code, Section 1324(a)(1)(B)(i).

9. Intentional false statements, by making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement on Form I-9 is a felony violation of Title 18, United States Code, Section 1001.

10. The Form I-9 is comprised of three Sections. Section 1 is to be completed by the employee at the time of hire. This Section contains the fields of name, address, date of birth, social security number, and the attestation of the employee as to their immigration status in the United States. Section 2 is to be completed by the employer and consists of three separate columns for List A, List B, and List C documents. The employer is required to examine original documents presented by an employee and then complete this Section within three (3) days of the date the employment begins. Some documents such as United States Passports, Certificates of Naturalization, Alien Registration Cards or Employment Authorization Cards establish both identity and employment eligibility (List A). Other documents such as Drivers Licenses, and Voter Registrations Cards establish identity only (List B), while documents such as Social Security Cards and birth certificates establish employment eligibility only (List C). In order for an employee to be deemed eligible to work by the employer, that employer must examine both one (1) document from List A, or one document from List B and one document from List C. If employees are unable to present the required document(s) within 3 business days of the date the employment begins, they must present a receipt for the application for the document within three business days. Employers must retain all I-9(s) for 3 years after the date of employment begins or 1 year after the person's employment is terminated, whichever is later. Section 3 is completed by the employer to re-verify the employment authorization for current employees. When an employee's work authorization expires, employers are required to re-verify on the form I-9 not later than the date the employee's work authorization expires.

11. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 8 and Title 18 of the United States Code have been committed by Koch Foods of Mississippi, LLC and others. There is also probable

cause to search the premises described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

PROBABLE CAUSE

12. Koch Foods of Mississippi is a division of Koch Foods. Koch Foods is headquartered in Park Ridge, Illinois. Koch Foods is a leading poultry processor in the United States with locations across Alabama, Georgia, Illinois, Mississippi, Ohio and Tennessee. According to their website, all live operations, which include feedmills, hatcheries, breeders and broilers, are based in Mississippi, Alabama and Georgia.

13. Homeland Security Investigations (HSI) Jackson, Mississippi, is investigating Koch Foods, for illegally employing subjects without work authorization in the United States. HSI Jackson has recently received numerous HSI Tip Line leads suggesting Koch Foods (a chicken processing company with a large industrial footprint in the state of Mississippi), is knowingly hiring and employing illegal aliens and/or subjects without employment authorization from the Department of Homeland Security. Initial queries within HSI and ICE databases revealed numerous historical encounters (from September 10, 2002 to April 13, 2019) and administrative arrests, of subjects illegally present in the United States that claimed to be employed by Koch Foods in Mississippi.

HISTORICAL ICE ENCOUNTERS/ARRESTS

14. Queries of the Enforcement Integrated Database Arrest Graphic User Interface for Law Enforcement (EAGLE) revealed approximately 144 historical ICE encounters and/or arrests from September 10, 2002 to April 13, 2019 of illegal aliens who during processing indicated employment at Koch Foods in Morton and/or Forest, MS. In addition to indicating employment at Koch Foods, numerous of the illegal aliens presented agents with Koch Foods employment

identification documents (IDs), containing their photographs and assumed identities utilized for employment.

15. On December 6, 2017, Isabela SILVESTRE-Perez, a Guatemalan national, was arrested by HSI Jackson, Mississippi and the Mississippi Attorney General's Office at the Koch Foods Processing Plant located at 108 Morris Tullos Dr., Morton, MS 39117 for Identity Theft. At the time of arrest, SILVESTRE-Perez was in possession of an Employee ID card. A photograph appearing to be SILVESTRE-Perez was depicted on it along with the name of Loyda R Perez. The identification also depicted what appears to be the employee number, 200104987 and the hire date of March 5, 2017. According to ICE records related to this investigation, it was determined that SILVESTRE-Perez did not possess legal documents to work or reside in the United States, was subject to a Final Removal Order issued by an Immigration Judge and was working under the assumed identity of an US Citizen. SILVESTRE-Perez was convicted of Identity Theft charges by the State of Mississippi and later arrested by ICE, Enforcement and Removal Office (ERO) in Jackson, MS. SILVESTRE-Perez was removed to Guatemala by ICE in 2018.

16. On December 13, 2017, Antonio TORREZ-Domingo, a Guatemalan national, was encountered by ERO Jackson, Mississippi, during the execution of a Field Operation in Forest, MS. According to ICE records, it was determined that TORREZ-Domingo did not possess legal documents to work or reside in the United States. TORREZ-Domingo was arrested by ERO Jackson and transported for processing and later removed him from the United States. ICE processing records listed TORREZ-Domingo's "Name and Address of (Last)(Current) United States Employer" as "Koch Foods". On April 4, 2019, TORREZ-Domingo was arrested by the United States Border Patrol in Texas furthering his illegal entry into the US. TORREZ-

Domingo's final order of removal was reinstated pursuant to Section 241(a)(5) of the Immigration and Nationality Act and was held at the El Paso, Texas processing center in ICE custody pending removal from the US. On April 12, 2019, with the assistance of ERO officers assigned to El Paso, Texas ERO, a sworn statement was taken from TORREZ-Domingo. TORREZ-Domingo stated to the officers that at the time he was arrested by ICE in 2017, he was working for Koch Foods in Forest, MS. According to TORREZ-Domingo he was being paid \$9.50 per hour and did not remember the name he was using to work there. TORREZ-Domingo also stated that the plant knew his immigration status and that there was "a lot of illegals working there."

17. On April 18, 2017, Marcelo XOLO-Chapol, a Mexican national, was encountered by ERO Jackson, Mississippi during Criminal Alien Program (CAP) checks at the Morton Police Department in Morton, Mississippi. According to ICE records, it was determined that XOLO-Chapol did not possess legal documents to work or reside in the United States. XOLO-Chapol was administratively arrested by ERO Jackson and transported for processing. ICE processing records listed XOLO-Chapol's "Name and Address of (Last)(Current) United States Employer" as "Koch Foods" in Morton, MS. XOLO-Chapol was released on bond from ICE pending further proceedings with the Immigration Court. On April 15, 2019, DO Francisco Ayala interviewed XOLO-Chapol telephonically. During this interview XOLO-Chapol stated that at the time of his ICE arrest he was working for Koch Foods in Morton, MS. XOLO-Chapol indicated that he worked for about four years for Koch Foods, one year in the plant on Morris Tullos Dr. and three years in the plant on Koch Dr. both located in Morton, MS. XOLO-Chapol also stated that he worked for Koch Foods under the assumed identity of Cosme De Jesus TORRES, DOB 03/04/XXXX, SSN XXX-XX-2183.

18. On March 13, 2017, Anita RODRIGUEZ-Bonefacio, a Mexican national, was encountered by ERO Jackson, Mississippi, during CAP checks at the Scott County Jail in Forest, Mississippi. According to ICE records, it was determined that RODRIGUEZ-Bonefacio did not possess legal documents to work or reside in the United States. ICE records also indicated that RODRIGUEZ-Bonefacio was arrested by the Mississippi Attorney General's Office for Identity Theft and/or Attempted to Obtain Identity (97-15-19 MS Code) and had posted a bond when released to ICE custody. RODRIGUEZ-Bonefacio was arrested by ERO Jackson and transported for processing. ICE processing records listed RODRIGUEZ-Bonefacio's "Name and Address of (Last)(Current) United States Employer" as "Koch Foods" on Hwy 501 (also known as Main St.), Forest, MS.

19. On December 3, 2018, Maria MARROQUIN-Baltazar, a Guatemalan national, was encountered by ERO Jackson, Mississippi, during CAP checks at the Rankin County Jail in Brandon, Mississippi. According to ICE records, it was determined that Maria MARROQUIN-Baltazar did not possess legal documents to work or reside in the United States. Maria MARROQUIN-Baltazar was administratively arrested by ERO Jackson and transported for processing. ICE processing records listed Maria MARROQUIN-Baltazar's "Name and Address of (Last)(Current) United States Employer" as "Koch Foods" in Morton, MS. Maria MARROQUIN-Baltazar was ordered to be removed from the United States by an immigration judge on December 28, 2018 and subsequently removed to Guatemala on February 14, 2019 from Alexandria, Louisiana.

20. On December 6, 2018, Moises Justiniano OROZCO-Tema, a Guatemalan national, was encountered by ERO Jackson, Mississippi, during CAP checks at the Rankin County Jail in Brandon, Mississippi. According to ICE records, it was determined that Moises

Justiniano OROZCO-Tema did not possess legal documents to work or reside in the United States. Moises Justiniano OROZCO-Tema was administratively arrested by ERO Jackson and transported for processing. ICE processing records listed Moises Justiniano OROZCO-Tema's "Name and Address of (Last)(Current) United States Employer" as "Koch Foods" in Morton, MS. Maria MARROQUIN-Baltazar was granted voluntary departure by an immigration judge on January 15, 2019 and on February 14, 2019, Moises Justiniano OROZCO-Tema departed the US to Guatemala from Alexandria, Louisiana.

21. On March 4, 2019, Demetrio GONZALEZ-Castillo, a Mexican national, was encountered by ERO Jackson, Mississippi, during CAP checks at the Leake County Jail in Carthage, Mississippi. According to ICE records, it was determined that Demetrio GONZALEZ-Castillo did not possess legal documents to work or reside in the United States. Demetrio GONZALEZ-Castillo was administratively arrested by ERO Jackson and transported for processing. ICE processing records listed Demetrio GONZALEZ-Castillo's "Name and Address of (Last)(Current) United States Employer" as "Koch Foods" in Morton, MS. Demetrio GONZALEZ-Castillo was granted voluntary departure by an immigration judge on June 18, 2019.

ALTERNATIVES TO DETENTION

22. ICE routinely utilizes the Alternatives to Detention (ATD) Program for subjects in ICE custody. The Alternatives to Detention Program is a flight-mitigation tool that uses technology and case management to ensure compliance with release conditions and facilitate alien compliance with court hearings and final orders of removal while allowing aliens to remain in their community contributing to their families, community organizations, and, if necessary, wrapping-up their affairs in the United States as they move through immigration proceedings.

The ATD Program is not a substitute for detention nor is it used as a removal tool; however, the program may be appropriate for an alien who is released pursuant to: an Order of Release on Recognizance (OREC), an Order of Supervision (OSUP), a grant of parole; or a bond (unless the immigration judge or board of immigration appeals has determined custody and did not include ATD as a provision). To be eligible for the ATD program participants must be adults 18 years of age or older, be removable, and be at some stage of immigration proceedings. The ATD Program supervises participants, with contractor support, utilizing a combination of home visits, office visits, alert response, court tracking, and technology. The current government contractor (BI Inc.) for ATD operates under the Intensive Supervision Appearance Program (ISAP). The ISAP III contract allows ATD officers the ability to determine the frequency of home and office visits, types of technology, telephonic, GPS or SmartLink, court and alert management. Case management levels and technology assignment can be reviewed and adjusted by the ATD officer at any time depending upon change in circumstances and compliance.

23. The ATD Program utilizes three (3) different forms of technology that help monitor participants while enrolled in the program. The forms of technology include:

- a. Telephonic reporting utilizes a participant's voice to create a biometric voiceprint during the enrollment process, every time the participant calls in his/her voice is compared against the voiceprint.
- b. GPS monitoring requires at least three (3) satellites to locate a unit attached to the participant's ankle. When a participant is within range of more than three satellites a GPS unit give more accurate data regarding the participant's location.

- c. SmartLink enables ATD officers and case specialists to keep participants focused on the conditions of release via their smartphone or tablet, they are able to verify a participant's identity, determine their location, and quickly collect status change information.

24. Enrollment in the ATD program does not grant any immigration benefits including employment authorization.

ILLEGAL ALIENS ENROLLED IN ATD & EMPLOYED BY KOCH FOODS

25. Queries of the subjects currently enrolled in the ICE/ERO Jackson ATD program, revealed 16 illegal aliens that in 2018 were working at Koch Foods processing plants in Mississippi and, as of July 29, 2019, 21 have or are currently working for Koch Foods processing plant located at 108 Morris Tullos Drive, Morton, Mississippi 39117.

26. Below are examples of subjects currently enrolled in the ICE/ERO Jackson ATD program who have reported working for Koch Foods and the analysis of historical GPS coordinates for the subjects:

- a. On June 15, 2016, Elsa AGUILAR-Pablo, a Guatemalan national, was encountered by United States Border Patrol (USBP) agents in the Rio Grande Valley Sector near McAllen, Texas. At the time of the encounter, USBP agents determined AGUILAR-Pablo had unlawfully entered the United States from Mexico, at a place other than as designated by the Secretary of Homeland Security and did not possess legal documents to work or reside in the United States. AGUILAR-Pablo was arrested by USBP and transported to the McAllen Border Patrol Station for further administrative processing. AGUILAR-Pablo was processed for an

Expedited Removal and turned over to ICE for custody determination. At that time, AGUILAR-Pablo provided ICE with an address of 4955 Highway 80, Morton, Mississippi 39117, and was enrolled in the ICE/ERO/ATD program with GPS monitoring pending removal from the United States.

AGUILAR-Pablo reported to the ATD/ISAP case specialist that she is currently employed with Koch Foods, Inc. located at 108 Morris Tullos Dr., Morton, MS 39117. Queries of the historical GPS coordinates associated with Elsa AGUILAR-Pablo's electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the Koch Foods Processing Plant located at 108 Morris Tullos Dr., in Morton. Historical GPS coordinates also revealed AGUILAR-Pablo travels from her current address (52 Smith St., Morton, MS 39117) to the Koch Foods Processing Plant multiple times a week. Upon arriving at the Koch Foods Processing Plant, AGUILAR-Pablo remains on the Koch Foods Processing Plant property for approximately 8 to 10 hours. For example, on July 25, 2019, at approximately 10:04 pm AGUILAR-Pablo arrived at the Koch Foods Processing Plant. AGUILAR-Pablo remained at the Koch Foods Processing Plant until approximately 8:04 am on July 26, 2019, when she departed and returned to her residence.

Record checks for Elsa AGUILAR-Pablo revealed she does not possess employment authorization from the United States Department of Homeland Security.

- b. On June 15, 2018, Magdalena ALONZO-Martin, a Guatemalan national, was encountered by USBP agents about 0.5 mile west of the San Luis, Arizona Port of Entry. At the time of the encounter, USBP agents determined AGUILAR-Pablo had unlawfully entered the United States from Mexico, at a place other than as designated by the Secretary of Homeland Security and did not possess legal documents to work or reside in the United States. ALONZO-Martin was arrested by USBP and transported to the Yuma Border Patrol Station for further administrative processing. ALONZO-Martin was served with a Notice to Appear (I-862) and turned over to ICE for custody determination. At that time, ALONZO-Martin provided ICE with an address of 160 Pace St., Forest, Mississippi 39074, and was enrolled in the ICE/ERO/ATD program with GPS monitoring pending removal from the United States.

ALONZO-Martin reported to the ATD/ISAP case specialist that she is currently employed with Koch Foods, Inc. located at 108 Morris Tullos Dr., Morton, MS 39117. Queries of the historical GPS coordinates associated with Magdalena ALONZO-Martin's electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the Koch Foods Processing Plant located at 108 Morris Tullos Dr.,

in Morton. Historical GPS coordinates also revealed ALONZO-Martin travels from her current address (259 Hillsboro St., Forest, MS 39117) to the Koch Foods Processing Plant multiple times a week. Upon arriving at the Koch Foods Processing Plant, ALONZO-Martin remains on the Koch Foods Processing Plant property for approximately 8 to 10 hours. For example, on July 25, 2019, at approximately 10:13 pm ALONZO-Martin arrived at the Koch Foods Processing Plant. ALONZO-Martin remained at the Koch Foods Processing Plant until approximately 8:06 am on July 26, 2019, when she departed and returned to her residence.

Record checks for Magdalena ALONZO-Martin revealed she does not possess employment authorization from the United States Department of Homeland Security.

- c. On June 15, 2018 Juana CARMELO-Silvestre, a Guatemalan national, was encountered by USBP agents in the Rio Grande Valley near El Paso, Texas. At the time of the encounter, USBP agents determined CARMELO-Silvestre had unlawfully entered the United States from Mexico, at a place other than as designated by the Secretary of Homeland Security and did not possess legal documents to work or reside in the United States. CARMELO-Silvestre was arrested by USBP and transported to the Ysleta Border Patrol Station for further administrative processing. CARMELO-Silvestre was served with an Expedited Removal Order (I-860) and turned over to ICE for custody determination. At that

time, CARMELO-Silvestre provided ICE with an address of 331 N Broad St., Forest, Mississippi 39074, and was enrolled in the ICE/ERO/ATD program with GPS monitoring pending removal from the United States.

CARMELO-Silvestre reported to the ATD/ISAP case specialist that she is currently employed with Koch Foods, Inc. located at 108 Morris Tullos Dr., Morton, MS 39117. Queries of the historical GPS coordinates associated with Juana CARMELO-Silvestre's electronic monitoring ankle bracelet revealed numerous daily captured coordinates located within the Koch Foods Processing Plant located at 108 Morris Tullos Dr., in Morton. Historical GPS coordinates also revealed CARMELO-Silvestre travels from her current address (311 Banks St., Forest, MS 39117 based on GPS) to the Koch Foods Processing Plant multiple times a week. Upon arriving at the Koch Foods Processing Plant, CARMELO-Silvestre remains on the Koch Foods Processing Plant property for approximately 8 to 10 hours. For example, on June 9, 2019, at approximately 8:33 pm CARMELO-Silvestre arrived at the Koch Foods Processing Plant. CARMELO-Silvestre remained at the Koch Foods Processing Plant until approximately 6:14 pm on June 10, 2019, when she departed and returned to her residence.

Record checks for Juana CARMELO-Silvestre revealed she does not possess employment authorization from the United States Department of Homeland Security and is subject to a Final Removal Order.

INTERVIEWS OF ATD ENROLLEES WORKING AT KOCH FOODS

27. On May 9, 2019, HSI Special Agent (SA) Todd Williams and DO Francisco Ayala conducted an interview of Celsa Elena BAMACA-Gonzalez at the HSI Jackson, Mississippi office. During the interview BAMACA-Gonzalez provided information related to her employment at the Koch Foods plant located at 108 Morris Tullos Dr., Morton, MS 39117 and the plant located at 410 Koch Dr., Morton, MS 39117.

28. Celsa Elena BAMACA-Gonzalez is a citizen and national of Guatemala who is currently illegally present in the United States (US). BAMACA-Gonzalez was arrested on December 9, 2016 furthering her illegal entry in to the US and was released from custody pending removal. BAMACA-GONZALEZ is enrolled in the Alternatives to Detention Program and is currently reporting to ERO in Jackson, MS.

29. BAMACA-Gonzalez stated that she lives in Forest, MS. She entered the US illegally in December 2016 and has been working for Koch Foods in Morton, MS since September 2017.

30. BAMACA-Gonzalez stated that she is currently working for Koch Foods in Morton, MS. She started working for the processing plant located at 410 Koch Dr., Morton, MS 39117 on or about August 3, 2018 and is assigned to the day shift (approximately from 7:00 am-3:30 pm). BAMACA-Gonzalez stated before she started working at said location, she was working in the plant located at 108 Morris Tullos Dr., Morton, MS 39117. According to BAMACA-Gonzalez, she started working in said plant on or about September 2017.

31. BAMACA-Gonzalez stated to SA Williams and DO Francisco Ayala that she first applied to work at Koch Foods through the Win Job Center in Forest, BAMACA-Gonzalez completed a generic job application and within two months she received a phone call and was

offered an interview at Koch Foods in Morton, MS (Morris Tullos Dr. plant). BAMACA-Gonzalez stated that a tall white female employee that speaks Spanish provided her with an application at the Koch Foods plant. BAMACA-Gonzalez was also required to take a urine test as part of the application. At the time of employment, BAMACA-Gonzalez was not authorized to work in the United States by the US Department of Homeland Security (DHS) and provided Koch Foods with a fraudulent identification card and social security number (SSN). BAMACA-Gonzalez was hired under the assumed identity of Juana Becerra (SSN XXX-XX-4221). BAMACA-Gonzalez was hired the same day, was issued an employee ID card with no photo on it and started working immediately. BAMACA-Gonzalez was assigned to work day shift and remained working at the plant for approximately 11 months as Juana Becerra.

32. BAMACA-Gonzalez applied and received permission from DHS to work in the US. BAMACA-Gonzalez stated she received her employment authorization card (EAC) and social security card (SSID) during the first week of June 2018. BAMACA-Gonzalez then asked one of her co-workers if she could go to human resources to change her name, but he said no and told her that she needed to quit and re-apply for a job.

33. Subsequently, BAMACA-Gonzalez explained to SA Williams and DO Francisco Ayala that she went back to the Win Job Center in Forest and applied for a job at Koch Foods with her real identity. BAMACA-Gonzalez was called on a Wednesday and was told to report the next Friday for an interview at Koch Foods (plant is located on Koch Dr.) in Morton, MS. BAMACA-Gonzalez, without formally quitting, stopped going to work to the Morris Tullos Dr. plant and went to her interview. BAMACA-Gonzalez stated that she went through the same employment process and identified a Hispanic female called Clara (approximately 30 years of age), who assisted her through the hiring process. BAMACA-Gonzalez was not asked any

questions related to prior employment and was hired to work day shift. BAMACA-Gonzalez was instructed to report to work the next Monday at the plant. BAMACA-Gonzalez then returned to the plant in Morris Tullos Dr. to pick up her check under the name of Juana Becerra and was not asked anything about not showing up to work.

34. On the first day of employment at the plant on Koch Dr., BAMACA-Gonzalez was issued an employee ID with her photo on it and taken to her section by a supervisor. BAMACA-Gonzalez described her supervisor as a white male, approximately 55 years of age and said his name was "William." BAMACA-Gonzalez also stated that he did not speak Spanish and that she was instructed on what she had to do.

35. DO Francisco Ayala verified BAMACA-Gonzalez' information and cross referenced it on the Mississippi Department of Employment Security (MDES), Employer's Quarterly Wage Report, 4th quarter of 2018, for Koch Foods of MS LLC (MDES number 62-02110-2-00). The report shows that for the 3rd quarter of 2018, Celsa BAMACA-Gonzalez with the corresponding SSN XXX-XX-1636, was paid a total wage of \$3,415.59 by Koch Foods (as reported to MDES by Koch Foods) and \$7,623.14 in the 4th quarter of 2018; BAMACA-Gonzales' real identity was not found in previous quarterly reports. Your affiant also verified BAMACA-Gonzalez' assumed identity information, Juana Becerra (SSN XXX-XX-4221), and discovered it on the MDES, Employer's Quarterly Wage Report, 3rd quarter of 2018, for Koch Foods of MS LLC. The report shows that for the 3rd quarter of 2018, Juana M. BECERRA with the corresponding SSN XXX-XX-4221, was paid a total wage of \$2,575.05 by Koch Foods.

36. On May 7, 2019 SA Williams, SA Brent Young and DO Francisco Ayala conducted an interview of Ana SANTIZO-Tapia at the HSI Jackson, Mississippi office. During

the interview SANTIZO-Tapia provided information related to her employment at the Koch Foods plant located at 108 Morris Tullos Dr., Morton, MS 39117.

37. Ana SANTIZO-Tapia is a citizen and national of Guatemala who is currently illegally present in the US. SANTIZO-Tapia was arrested on September 10, 2016 furthering her illegal entry in to the United States and was released from custody pending removal from the United States. SANTIZO-TAPIA is enrolled in the Alternatives to Detention Program and is currently reporting to ERO in Jackson, MS.

38. SANTIZO-Tapia stated that she lives in Morton, MS. She entered the United States illegally in September 2016 and has been working for Koch Foods in Morton, MS since November 30, 2016.

39. SANTIZO-Tapia stated that she is working under the assumed identity of Maria GOMEZ and is currently assigned to work nights from 10:00 pm to 8:00 am. Her unit is responsible for assembling cardboard boxes that are later used by the plant. DO Francisco Ayala verified the fraudulent name (assumed identity, Maria GOMEZ) used by SANTIZO-Tapia and discovered it on the MDES, Employer's Quarterly Wage Report, 4th quarter of 2018, for Koch Foods of MS LLC (MDES number 62-02110-2-00). The report shows that for the 4th quarter of 2018, Maria GOMEZ with the corresponding social security number XXX-XX-4737, was paid a total wage of \$8,153.54 by Koch Foods (as reported to MDES by Koch Foods).

40. SANTIZO-Tapia explained to SA Williams, SA Young and DO Francisco Ayala that she bought the assumed identity from an unidentified Hispanic male that lived in Forest, MS. According to her, she was sold a small birth certificate and a Social Security Identification Card (SSID) for \$800.00 United States Dollars (USD). Once she paid for said documents, then

the same Hispanic male made her a counterfeit identification (CID) with the assumed identity and her photo for \$150.00 USD.

41. SANTIZO-Tapia further explained that the first time she went to apply for employment at Koch Foods in Morton, MS she used a different identity (not Maria GOMEZ). She was told by a Human Resources (HR) employee (unidentified female) at the plant that if the “papers” were not good, she was not going to be hired. The HR employee, who spoke Spanish, took the documents and a short time later returned and informed SANTIZO-Tapia that her documents were not good (i.e., legitimate) and couldn’t be hired. AGENT NOTE: HSI agents believe HR was referencing the validity of the information contained on the identification documents provided by SANTIZO-Tapia. Approximately three weeks later, SANTIZO-Tapia returned to Koch Foods to apply for employment a second time. This time she provided the CID with the name of Maria GOMEZ to the same HR employee. The HR employee took the documents, processed her application and informed SANTIZO-Tapia that she could now start working at the plant. SANTIZO-Tapia stated that even though she returned to the plant within three weeks and used two different identities, the HR employee did not ask anything related to her identity.

42. SANTIZO-Tapia also stated that during her interview, she was asked by a supervisor if she had an ankle bracelet. SANTIZO-Tapia told the supervisor that she had one and he said it was okay, but she needed to keep it charged. The supervisor, who she identifies as a black male, stated that he knew “they” were poor and came to the United States to work.

43. Queries of ICE, United States Department of State and open source databases revealed that a person by the name of Maria Guadalupe GOMEZ, born on October 8, XXXX in Texas and with social security number XXX-XX -4737 currently resides in the State of Texas.

Records also revealed that GOMEZ has a pending United States Passport application with the United States Department of State, a State of Texas issued driver's license and is registered to vote.

44. This affidavit is being submitted simultaneously with an administrative warrant for inspection to search at Koch Foods of Mississippi, LLC, located at 108 Morris Tullos Drive, Morton, Mississippi 39117, for persons believed to be working in the United States without authorization.

CONCLUSION

45. Based on the facts and information as stated in this affidavit and my training and experience, I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A to seize the items described in Attachment B.


46. Based upon my training and experience, combined with the facts and observations set forth in the foregoing paragraphs, I have reason to believe and do believe there exists probable cause that evidence of violations of Title 8, United States Code, Section 1324(a), Unlawful Employment of Aliens, Title 18, United States Code, Section 1001, Title 18, United States Code, Section 1546(a), Fraud and misuse of visas, permits, and other documents to gain employment, Title 18, United States Code, Section 1028(a)(7), Fraud and related activity in connection with identification documents, authentications features, and information, Title 18, United States Code, Section 1015(e), False statement to obtain benefits or employment, Title 18, United States Code, Section 911, False claim to be a Citizen of the United States, and Title 42, United States Code, Section 408(a)(7)(B), Use of Unauthorized Social Security Number and fruits of such crimes or property designed, intended for or used for such crimes are located at the PREMISES described in Attachment A.

47. In consideration of the facts presented, I respectfully request that this Court issue a search warrant for the premises located at 108 Morris Tullos Drive, Morton, Mississippi 39117, and all appurtenances thereto as more fully described in Attachment A and authorize the seizure of the items described in Attachment B to this Affidavit.

REQUEST FOR SEALING

48. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



Anthony Todd Williams Jr.
Special Agent
US Immigration and Customs Enforcement
Homeland Security Investigations

Subscribed and sworn to before me on the 5th day of August, 2019.



LINDA R. ANDERSON
UNITED STATES MAGISTRATE JUDGE